

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD  
FOR THE HEARING AND PASSING UPON OBJECTIONS TO THE NOMINATION  
PAPERS FOR THE CANDIDATES FOR THE OFFICE OF TRUSTEE FOR THE  
HELEN PLUM LIBRARY DISTRICT, STATE OF ILLINOIS**

ROXANNA TANGEN HAYES,	)	
	)	
Petitioner-Objector,	)	
	)	2021 CE 014
v.	)	
	)	
KRISTEN ANNE DITTRICH,	)	
	)	
Respondent-Candidate.	)	

**ELECTORAL BOARD DECISION**

The Electoral Board, consisting of DuPage County Clerk, Jean Kaczmarek, Chairperson; and Members Conor McCarthy, Assistant State’s Attorney, DuPage County State’s Attorney designee; and Robert Keltner, Deputy Clerk, DuPage Circuit Court Clerk designee, organized and existing pursuant to Section 10-9 of the Illinois Election Code (the “Election Code”), hereby issues its Electoral Board Decision in the above-referenced matter, pursuant to the Election Code. 10 ILCS 5/10-10.

**PREFATORY REMARKS**

Within the time frame set forth by statute, the Candidate, Roxanna Tangen, (the “Candidate”) filed Nominating Papers for the Office of Trustee for the Helen Plum Library District, (the “Office”) to be voted on at the April 6, 2021, Consolidated Election with the Local Election Official, identified in the Record as Exhibit AA. The Objector timely filed his Objector’s Petition (the “Petition”) with the Local Election Official on December 29, 2020, identified in the Record as Exhibit A.

A Call Notice for Hearing and a copy of the proposed Rules was issued on December 30, 2020, by Jean Kaczmarek, Chairperson of the Electoral Board, identified in the Record as

Exhibit B. The Objector provided a waiver of formal service of the Call Notice, identified in the Call Notice as Exhibit C. The Objector and Candidate were served with the Call Notice and a copy of the proposed Rules by Registered Mail, as evidenced by the Receipt for said service, identified in the Record as Exhibits D and E. The Affidavit of Personal Service on the Objector and Candidate is identified in the Record as Exhibits F and G. An Appearance of the Objector or Objector's Counsel was filed and is identified in the Record as Exhibit H. An Appearance of the Candidate or Candidate's Counsel was filed and is identified in the Record as Exhibit I. The Administrative Order No. 28 of the Chief Judge of the Eighteenth Judicial Circuit is identified in the Record as Exhibit J. The Electoral Board additionally received an Objector's Brief, identified in the Record as Exhibit K.

Pursuant to the Election Code, the DuPage County Electoral Board was duly constituted, convened for the hearing and passing upon Objections to Nominating Papers on January 4, 2021. The Electoral Board convened this matter on January 4, 2021, for the purpose of: (1) approving and adopting the Electoral Board Rules; and (2) continuing the matter to a date certain for hearing on the merits of the Petition. The Electoral Board continued this matter for a hearing on the merits of the Objector's Petition to January 8, 2021.

On January 8, 2021, this matter proceeded to a hearing on the merits of the Petition. The Parties were present.

### **OBJECTION**

The Objector raises the following objection in the Petition:

The Candidate name is not properly designated and is inconsistently designated in her Nominating Papers.

**WHETHER THE CANDIDATE’S DESIGNATION OF HER NAME CREATES A BASIS FOR VOTER CONFUSION IV VIOLATION OF THE ELECTION CODE.**

It is well established “that access to a place on the ballot is a substantial right not lightly to be denied.” *Jackson-Hicks v. E. St. Louis Bd. of Election Comm'rs*, 2015 IL 118929, ¶ 32, 28 N.E.3d 170, 178. It is also well established that “the regulation of elections is within the power of the legislature, within constitutional limitations, for as the United States Supreme Court has recognized, ‘it is beyond question that States may, and inevitably must, enact reasonable regulations of parties, elections, and ballots to reduce election- and campaign-related disorder.’ ” *Id. citing Clingman v. Beaver*, 544 U.S. 581, 593 (2005).

A candidate is entitled to have her name placed on the ballot if there is no basis for confusion when examining the nominating papers as a whole. *See generally, Wiesner v. Brennan*, 2016 IL App (2d) 160115, ¶ 27, 53 N.E.3d 371, 379. In this matter, the Candidate designated her name as Kristen Anne Dittrich on her Statement of Candidacy, on her Loyalty Oath and one page of her Nominating Petition. The name Kristen “Anne” Dittrich with quotation marks around the Candidate’s middle name is used on four pages of the Candidate’s Nominating Petition. The name K. Anne Dittrich is used on one page of her Nominating Petition. The Candidate testified that she personally circulated every page of her Nominating Petition thereby securing every signature in her Nominating Petition. Therefore, the Candidate personally appeared before every qualified elector who signed of her Nominating Petition. Additionally, the Candidate’s name is designated as Kristen Anne Dittrich on every page of her Nominating Petition in the Circulator Affidavit.

The Objector argues that the use of the quotation marks around the Candidate’s middle name on several pages of the Nominating Petition and the designation of “K. Anne Dittrich” on one page of her Nominating Petition creates a basis of confusion as to her name relying on

*Zapolsky v. Cook County Officers Electoral Bd.*, 296 Ill. App. 3d 731, 734, 695 N.E.2d 1329, 1331 (1st Dist. 1998). *Zapolsky* involved a general designation of an office sought in the candidate's nominating papers where there were multiple vacancies with varied terms for the office. *Id.* In examining the nominating papers as a whole, it was not clear as to which vacancy the candidate sought. Accordingly, the general designation of the office sought created a basis for confusion as to which vacancy the candidate sought for the office.

Unlike the circumstances in *Zapolsky*, when examining the Candidate's Nominating Papers as a whole, here there was no evidence of voter confusion that the Candidate seeking Office is Kristen Anne Dittrich. The name Kristen Anne Dittrich appears on every page of the Candidate's Nominating Papers taking into account her name designated in the Circulator's Affidavit. The use of quotation marks around the Candidate's middle name on some pages of the Nominating Petition and the abbreviation of the Candidate's first name on one page of the Nominating Petition does not create a basis for confusion as to the Candidate's name when examining her Nominating Papers as a whole.

Therefore, the Objection in this regard is **OVERRULED**.

#### **CONCLUSION AND ORDER**

Based upon the rulings made herein, it is the decision of the Electoral Board that the Objector's Petition is **DENIED** and that the Candidate's name, Kristen Anne Dittrich shall be printed on the Official Ballot for the Office of Trustee for the Helen Plum Library District, to be voted on at the April 6, 2021, Consolidated Election.

**REVIEW OF ELECTORAL BOARD DECISION**

Any Party seeking to review this decision and determination of the Electoral Board shall do so in accordance with the provisions and time frame set forth in Section 10-10.1 of Illinois the Election Code. 10 ILCS 5/10-10.1.

**ELECTORAL BOARD**

/s/ Jean Kaczmarek  
Jean Kaczmarek, County Clerk, Chairperson

/s/ Conor McCarthy  
Conor McCarthy, State’s Attorney Representative, Member

/s/ Robert Keltner  
Robert Keltner, Circuit Court Clerk Representative, Member

Dated: January 13, 2021

**CERTIFICATE OF SERVICE**

I, Lori Kantner, Executive Assistant to the Electoral Board, certify that a copy of the ELECTORAL BOARD DECISION IN CASE No. 2021-CE014 was served upon the Parties pursuant to Section 10-10 of the Election Code on January 13, 2021, and emailed to the Parties, in accordance with their Waiver of attending the continued Hearing for the sole purpose of receiving the written Decision.

*/s/ Lori Kantner*

Lori Kantner, Executive Assistant to the  
DuPage County Electoral Board